

AMENDED IN ASSEMBLY MAY 21, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 891

Introduced by Assembly Member Campos

February 26, 2015

An act to amend Sections 8482.6, 8483, and 8483.1 of, and to add Section 39800.1 to, to the Education Code, and to add Article 3.7 (commencing with Section 11340) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to low-income youth benefits *pupil services*.

LEGISLATIVE COUNSEL'S DIGEST

AB 891, as amended, Campos. ~~Low-income youth: educational attainment and success. *Pupil services: transportation.*~~

~~(1) The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act gives priority enrollment in both after school and before school programs to pupils in middle school or junior high school who attend daily.~~

~~This bill would instead give first priority enrollment to homeless youth, as defined, 2nd priority enrollment to pupils in CalWORKs assistance units, as described, and 3rd priority enrollment, for programs serving middle and junior high school pupils, to pupils who attend the program daily.~~

~~The act provides that an after-school and before-school program is not required to charge family fees or conduct individual eligibility determination based on need or income.~~

~~This bill would prohibit a program that charges family fees from charging a fee to a family with a homeless youth or a family who is part of a CalWORKs assistance unit.~~

~~(2) Existing~~

~~Existing law authorizes the governing board of a school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist to do so.~~

~~This bill would require a pupil entitled to free or reduced-price meals, or who attends a school that participates in the Community Eligibility Option, to be entitled to free transportation to and from school provided by the local educational agency, if certain conditions are met. The bill would require the local educational agency to designate a liaison to implement a plan, in consultation with specified stakeholders, to ensure that all entitled pupils receive free transportation in a timely manner.~~

~~By requiring new duties on a local educational agency, the bill would impose a state-mandated local program.~~

~~(3) Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.~~

~~This bill would require that a \$200 supplement to the amount of cash aid provided under the program be paid to a CalWORKs recipient 19 years of age and under, upon verification that the recipient has obtained a high school diploma or its equivalent.~~

~~The bill would also, among other things, require the State Department of Social Services, in coordination with the State Department of Education, to identify a method and to use that method to track the high school completion rates of children in an assistance unit, and to make publicly available an aggregate report of these high school completion rates tracked by the department.~~

~~The bill would require the State Department of Social Services to, in consultation with specified entities, design a youth subsidized employment program for youth 15 to 19 years of age, inclusive, who are eligible for benefits under this bill and needy youth, as defined, and~~

would require the program to provide paid employment, occupational skills training, and other relevant services.

~~The bill would require a child in an assistance unit to receive, in advance, a transportation service supplement to the amount of cash aid provided under the program to pay for transportation services in order for the child to participate in an After School Education and Safety Program (ASES).~~

~~By increasing county administrative duties, the bill would impose a state-mandated local program.~~

~~The bill would authorize the State Department of Social Services to implement the above provisions by all-county letters or similar instructions until regulations are adopted and would require the department to adopt regulations on or before January 1, 2018.~~

~~(4) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.~~

~~This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.~~

~~(5) The~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) According to data released by the U.S. Census Bureau,
4 without a high school diploma, Americans are almost twice as
5 likely to live in poverty.

6 (2) Several independent academic studies indicate a marked
7 increase in school participation and graduation rates among
8 children who were guaranteed transportation to and from school.

1 (3) Research shows that pupils, especially girls, benefit from
2 improved health and academic outcomes when they participate in
3 after school programs.

4 (4) There is recent evidence suggesting that increasing access
5 to books can even mitigate the effects of poverty on school
6 achievement and literacy development.

7 (5) According to a recent report by California Attorney General
8 Kamala Harris, poverty and financial instability is the number one
9 cause of truancy in the state.

10 (6) Participation in a summer youth job program has been proven
11 to increase the high school graduation rate of children in
12 low-income homes.

13 (b) Based on the findings and declarations in subdivision (a), it
14 is the intent of the Legislature to enact legislation that would
15 support school participation and high school attainment among
16 low-income youth.

17 ~~SEC. 2. Section 8482.6 of the Education Code is amended to~~
18 ~~read:~~

19 ~~8482.6. Every pupil attending a school operating a program~~
20 ~~pursuant to this article is eligible to participate in the program,~~
21 ~~subject to program capacity. A program established pursuant to~~
22 ~~this article is not required to charge family fees or conduct~~
23 ~~individual eligibility determination based on need or income. If a~~
24 ~~program established pursuant to this article does charge family~~
25 ~~fees, the program shall not charge a fee to a family with a child~~
26 ~~who is identified as a homeless youth, as defined by the federal~~
27 ~~McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301~~
28 ~~et seq.), or to a family who is part of a CalWORKs assistance unit,~~
29 ~~as described in subdivision (a) of Section 11265.45 of the Welfare~~
30 ~~and Institutions Code.~~

31 ~~SEC. 3. Section 8483 of the Education Code is amended to~~
32 ~~read:~~

33 ~~8483. (a) (1) Every after school component of a program~~
34 ~~established pursuant to this article shall commence immediately~~
35 ~~upon the conclusion of the regular schoolday, and operate a~~
36 ~~minimum of 15 hours per week, and at least until 6 p.m. on every~~
37 ~~regular schoolday. Every after school component of the program~~
38 ~~shall establish a policy regarding reasonable early daily release of~~
39 ~~pupils from the program. For those programs or schoolsites~~
40 ~~operating in a community where the early release policy does not~~

1 ~~meet the unique needs of that community or school, or both,~~
2 ~~documented evidence may be submitted to the department for an~~
3 ~~exception and a request for approval of an alternative plan.~~

4 ~~(2) It is the intent of the Legislature that elementary school~~
5 ~~pupils participate in the full day of the program every day during~~
6 ~~which pupils participate and that pupils in middle school or junior~~
7 ~~high school attend a minimum of nine hours a week and three days~~
8 ~~a week to accomplish program goals.~~

9 ~~(3) In order to develop an age-appropriate after school program~~
10 ~~for pupils in middle school or junior high school, programs~~
11 ~~established pursuant to this article may implement a flexible~~
12 ~~attendance schedule for those pupils.~~

13 ~~(b) The administrators of a program established pursuant to this~~
14 ~~article have the option of operating during any combination of~~
15 ~~summer, intersession, or vacation periods for a minimum of three~~
16 ~~hours per day for the regular school year pursuant to Section~~
17 ~~8483.7.~~

18 ~~(c) Priority for enrollment of pupils in an after school program~~
19 ~~shall be as follows:~~

20 ~~(1) First priority shall go to pupils who are identified as~~
21 ~~homeless youth, as defined by the federal McKinney-Vento~~
22 ~~Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).~~

23 ~~(2) Second priority shall go to pupils who are members of a~~
24 ~~CalWORKs assistance unit, as described in subdivision (a) of~~
25 ~~Section 11265.45 of the Welfare and Institutions Code.~~

26 ~~(3) For programs serving middle and junior high school pupils,~~
27 ~~third priority shall go to pupils who attend daily.~~

28 ~~SEC. 4. Section 8483.1 of the Education Code is amended to~~
29 ~~read:~~

30 ~~8483.1. (a) (1) Every before school program component~~
31 ~~established pursuant to this article shall in no instance operate for~~
32 ~~less than one and one-half hours per regular schoolday. Every~~
33 ~~program shall establish a policy regarding reasonable late daily~~
34 ~~arrival of pupils to the program.~~

35 ~~(2) (A) It is the intent of the Legislature that elementary school~~
36 ~~pupils participate in the full day of the program every day during~~
37 ~~which pupils participate and that pupils in middle school or junior~~
38 ~~high school attend a minimum of six hours a week or three days~~
39 ~~a week to accomplish program goals, except when arriving late in~~

1 accordance with the late arrival policy described in paragraph (1)
2 or as reasonably necessary.

3 (B) A pupil who attends less than one-half of the daily program
4 hours shall not be counted for the purposes of attendance.

5 (3) In order to develop an age-appropriate before school program
6 for pupils in middle school or junior high school, programs
7 established pursuant to this article may implement a flexible
8 attendance schedule for those pupils.

9 (b) The administrators of a before school program established
10 pursuant to this article shall have the option of operating during
11 any combination of summer, intersession, or vacation periods for
12 a minimum of two hours per day for the regular school year
13 pursuant to Section 8483.75.

14 (c) Every before school program component established pursuant
15 to this article shall offer a breakfast meal as described by Section
16 49553 for all program participants.

17 (d) Priority for enrollment of pupils in a before school program
18 shall be as follows:

19 (1) First priority shall go to pupils who are identified as
20 homeless youth, as defined in the federal McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

22 (2) Second priority shall go to pupils who are members of a
23 CalWORKs assistance unit, as described in subdivision (a) of
24 Section 11265.45 of the Welfare and Institutions Code.

25 (3) For programs serving middle and junior high school pupils,
26 third priority shall go to pupils who attend daily.

27 ~~SEC. 5.~~

28 *SEC. 2.* Section 39800.1 is added to the Education Code, to
29 read:

30 39800.1. (a) Notwithstanding any other law, a pupil entitled
31 to free or reduced-price meals, as that term is used in Section
32 42238.01, or who attends a school that participates in the
33 Community Eligibility Option, shall be entitled to free
34 transportation, from the local educational agency, to and from
35 school, if either of the following conditions are met:

36 (1) The pupil resides more than one-half mile from the school.

37 (2) The neighborhood through which the pupil must travel to
38 get to school is unsafe because of stray dogs, no sidewalks, known
39 gang activity, or another reason documented by stakeholders
40 pursuant to paragraph (c).

(b) (1) A local educational agency shall designate a liaison that shall be responsible for implementing a plan to ensure that all pupils entitled to free transportation pursuant to subdivision (a) receive the transportation in a timely manner.

(2) The liaison shall be trained to identify and accommodate the special rights of homeless youth, as defined to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), and pupils in a CalWORKs assistance unit, as described in Section 11265.45 of the Welfare and Institutions Code.

(c) (1) The plan required by paragraph (1) of subdivision (b) shall be developed with the consultation of teachers, school administrators, regional local transit authorities, the Air Resources Board, the Department of Transportation, parents, pupils, and other stakeholders.

(2) The plan shall address the ability of pupils in the local educational agency's jurisdiction to make regular visits to the public library.

(d) If free, dependable, and timely transportation is not available for pupils entitled to transportation services pursuant to this section, the local educational agency shall ensure that free transportation be provided using its existing funds.

SEC. 6. ~~Article 3.7 (commencing with Section 11340) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:~~

~~Article 3.7. Low-Income Youth Benefits~~

~~11340. (a) The department shall, in coordination with the State Department of Education, identify a method and utilize that method to track the high school completion rates of children in an assistance unit. The department shall report to the Legislature no later than July 1, 2016, if a change in statute is required in order to track high school completion rates of children in an assistance unit.~~

~~(b) The department shall make publicly available an aggregate report of the high school completion rates tracked by the department pursuant to subdivision (a).~~

~~11341. To incentivize completion of high school or the equivalent for recipients of aid 19 years of age and under, those recipients shall, upon verification that the recipient has obtained~~

~~a high school diploma or its equivalent, receive a two-hundred-dollar (\$200) supplement to the amount of aid paid pursuant to Section 11450. The supplement shall be paid directly to the recipient and shall be disregarded as income in determining the income of the assistance unit and the income of the CalFresh household if the recipient is receiving CalFresh. Cal-Learn participants who are already eligible for a similar incentive under Article 3.5 (commencing with Section 11331) are not eligible for the supplement established in this subdivision.~~

~~11342. To support educational outcomes and physical fitness of children in an assistance unit, a child in an assistance unit shall receive, in advance, a transportation service supplement to the amount of aid paid pursuant to Section 11450, as determined by the department, to pay for transportation services in order for the child to participate in an After School Education and Safety Program (ASES) established pursuant to Section 8482 of the Education Code.~~

~~11343. To support educational outcomes of children in an assistance unit, the department shall coordinate with county human services agencies and the State Department of Health Care Services to annually inform assistance units of the need to have a child's vision regularly examined and how to schedule an appointment with an optometrist for children receiving Medi-Cal benefits.~~

~~11344. (a) The department shall, in consultation with county human services agencies, programs created under the federal Workforce Investment and Opportunity Act, State Community Services Block Grant (CSBG) offices, and local CSBG entities, design a youth subsidized employment program for youth 15 to 19 years of age, inclusive, who are eligible for benefits under this chapter and needy youth, as defined in subdivision (b). The program shall provide paid employment, occupational skills training, and other relevant services. The payment for employment and services provided under this section shall be subject to the same financial participation as payment under subdivision (a) of Section 11450.~~

~~(b) For the purposes of this section, "needy youth" mean individuals 18 to 24 years of age, inclusive, whose family income, which may include the youth living alone, is less than 200 percent of the federal poverty level.~~

1 ~~(e) All employers and caseworkers involved in this program~~
2 ~~shall be trained in trauma-informed care and restorative justice~~
3 ~~practices.~~

4 ~~(d) Income earned through the program created pursuant to this~~
5 ~~section shall be disregarded as income in determining eligibility~~
6 ~~for, or the amount of, aid under this section.~~

7 ~~SEC. 7. Notwithstanding the rulemaking provisions of the~~
8 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
9 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
10 ~~Code), and until January 1, 2018, the State Department of Social~~
11 ~~Services may implement Section 6 of this act by all-county letters~~
12 ~~or similar instructions. Thereafter, the State Department of Social~~
13 ~~Services shall adopt regulations to implement Section 6 of this act~~
14 ~~on or before January 1, 2018.~~

15 ~~SEC. 8. No appropriation pursuant to Section 15200 of the~~
16 ~~Welfare and Institutions Code shall be made for purposes of this~~
17 ~~act.~~

18 ~~SEC. 9.~~

19 ~~SEC. 3. If the Commission on State Mandates determines that~~
20 ~~this act contains costs mandated by the state, reimbursement to~~
21 ~~local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code.~~